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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/295,935
Filing Date: April 21, 1999
Appellant(s): STECYK ET AL.

ANDRE DE LA CRUZ
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 01/21/09 appealing from the Office action mailed 02/07/08.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

1A. Claims 1-46 are rejected under 35 U.S.C. 102(e) as being anticipated by **Casement et al (5,969,748)**.

As to claims 1-12, note the **Casement** reference figs.1-2, discloses television schedule system with access control and further disclose a method of supervising personal exposure to a consumer electronics device (User television Equipment 'User-TVE' 32) having a V-chip, the method comprising:

Receiving program signal (Receiving Locations 'RL' 16-22 receives data-streams via Distribution Center 'DC' 10, figs.1 and col.2, lines 56-67) suitable for conversion by the consumer electronics device (RL 16-22) into user discernible information; receiving a content-based indicator (Rating, col.3, lines 33-43) indicative of the content of the user discernible information and timing information (Interactive TV Schedule guide 'IPG' includes timing information and rating or subject matter category, col.3, lines 13-21 and lines 33-43) indicative of the reference time; note that RL 16-22 includes STB 38, VCR 32/36, TV 30/34, etc., (col.2, line 64-col.3, line 13) which receives the TV programs and rating information transmitted from DC-10 or Service Provider 40 via link 28, satellite, telephone, cable or any suitable communications path and stores or processes data on the fly;

Selecting a first content-based specification (User via Remote Control 'RC', to select desired Rating, col.3, line 44-col.4, line 24) and first finite time range

specification, where the first finite time range specification is less than twenty-four hours in duration; selecting a second content-based specification different from the first content-based specification and second finite time range specification associated with the second content-based specification, where the second finite time range specification is less than twenty-four hours in duration and encompassing a different time range than first finite time range specification (user specified different time period(s) within 24 hrs, a week, etc., lock/unlock by Rating, content, time, etc., figs.2B-2E col.4, line 2-col.5, line 17) associated with the selected content-based specification for each time period(s), RC 40 is used to perform the necessary user interaction to the IPG, such as locking/unlocking, blocking/unblocking or disabling/enabling subject matter category or objectionable material or adult programs and selecting specific time period(s); note that by selecting a first, second, etc., finite time range(s) the system inherently selects numerous finite time ranges to access and view desirable programs.

Comparing (RL 16-22 which inherently includes a Microprocessor 'MC', fig.3-4, col.4, line 25-col.5, line 17 and col.6, line 30-col.7, line 1+) the reference time with the first finite time range specification; allowing user review of user discernible information without user input and without comparison of the received content-based indicator with a content-based specification if the reference time is outside the first and second finite time range specifications (col.4, line 25-col.5, line 17 and col.6, line 30-col.7, line 1+);

Comparing (MC) the received content based indicator with the first content-based specification when the reference time falls within the first time range specification and

with the second content-based specification when the reference time falls within the second finite time range specification;

and impairing (MC) the program signal if the received content-based indicator exceeds the content-based specification associated with the first time range specification when the reference time falls within the first time range specification (fig.3-4, col.3, lines 33-43, col.4, line 25-col.5, line 17 and col.6, line 30-col.7, line 1+), note that when a user locks shows according to rating and/or content, all higher ratings are automatically locked (col.4, line 43-col.5, line 17), which implies that the user see all programs with rating/content below the higher ratings. Furthermore Casement teaches controlling desirable programs by rating, content and/or time, which implies that, selecting a finite time(s), e.g., 8:00PM-10:00PM also selects a second finite time 10PM-8PM. In other words the system inherently selects numerous finite time ranges to access and view desirable programs within a 24 hours, and compares the reference time with one of the finite time ranges and when the reference time falls outside one of the finite time range, the user is allow to view the TV program without user input and further compares the selected content based specification (user defining rating) with the received content-based indicator (Rating of the EPG or Program schedule) to impaired the program signal if the rating exceeds the content specification when reference time falls within the first finite time range specification.

As to claim 13, the claimed "a method of supervising the exposure to a consumer electronics device having a V-chip...comprising..." is composed of the same structural elements of rejected claim 1.

As to claim 14, Casement further discloses where the program signal, is impaired by scrambling the program signal (fig.3-4, col.4, line 25-col.5, line 17 and col.6, line 30-col.7, line 1+).

Claim 15 is met as previously discussed with respect to claim 1.

As to claim 16, Casement further discloses where the one or more selected time range specifications repeat for each day of a workweek (col.4, line 61-col.5, line 5 and col.6, lines 48-61).

Claims 17 and 18 are met as previously discussed with respect to claims 1-12

Claims 19-24 are met as previously discussed with respect to claims 1-12

As to claim 25, the claimed "a consumer electronics device having a V-chip...comprising..." is composed of the same structural elements of rejected claim 19.

As to claim 26, Casement further discloses TV 30/34 "an output device coupled to the signal impairment mechanism of VCR 32/36, STB 38 for transferring the program signal into the user discernible information (fig.1).

Claims 27-29 are met as previously discussed with respect to claims 1-12.

As to claim 30, the claimed "a switch..." is met by MC of RL 16-22.

Claim 31 is met as previously discussed with respect to claim 26.

Claim 32 is met as previously discussed with respect to claims 27-28

Claim 33 is met as previously discussed with respect to claim 1

Claims 34-36 are met as previously discussed with respect to claims 1-12

Claims 37-39 are met as previously discussed with respect to claim 1.

Claims 40-41 are met as previously discussed with respect to claim 1.

Claims 42-46 are met as previously discussed with respect to claims 1-12.

(10) Response to Argument

The Examiner respectfully disagrees that the rejection should be reversed. Appellant discusses the prior art of record and the claimed invention and further argues that: "...Casement does not describe, teach or suggest the combined or simultaneous use of both time and content locks to block program viewing..." that "...no teaching or suggestion in Casement of a time period in which the broadcast signal is viewed without comparison to a specified content rating..." that "...Casement Fails to Anticipate Claims 1, 13, 19 and 25 in light of Federal Circuit Precedent" that "...Casement fails to disclose, at least the following...allowing user review of user discernible information without user input and without comparison of the received content-based indicator with a content-based specification if the reference time is outside the first and second finite time range..." etc., and further cites various portions of the prior art of record and further uses various illustrations to discuss the prior art of record and the claims limitations (see pages 18+ of Appellant's Brief).

In response, Examiner disagrees with assertion for several reasons. Examiner notes Appellant's arguments, however, Appellant traversal of the 102(e) rejection using the prior art of record, Casement, stem primarily from Appellant's mischaracterization of Casement. Casement teaches that "...user may lock TV programs by channel, by rating and/or content or by time (col.4, lines 2-3)" that "...system may also determine whether a program falls within a restricted rating and/or content, V-chip classification, or time

period..." (col.4, lines 27-29) "...When the user locks shows according to rating, all higher ratings are automatically locked. Since the show contents are not listed in order of severity, locking one content does automatically lock any others...user may also lock specified time periods to prevent TV viewing during those times..." (col.4, line 43-col.5, line 1+), "If a BOX lock has not been set, the system checks for channels locks...If no time lock has been set....checks for rating/MPAA lock, as the ratings correspond to those set by..." (col.6, line 62-col.7, line 1+). As clearly discussed, Casement discloses that when the user locks shows according to **rating and/or content**, all higher ratings are automatically locked (col.4, line 43-col.5, line 17), which implies that the user is able to view all programs with rating or content below the higher ratings level. Casement further teaches controlling desirable programs by **rating, content and/or time** and further allows a user to select specified time periods. **Selecting one or two finite time periods, e.g., 5:00PM-7:00PM, 8:00PM-10:00PM, etc., also selects a various finite time periods.** In other words the system inherently selects numerous finite time ranges to access and view desirable programs within a 24 hours, depending on the number of selected finite time range(s) and compares the reference time with one of the finite time ranges and when the reference time falls outside one of the finite time range, the user is allow to view the TV program without user input and further compares the selected content based specification (user defining rating) with the received content-based indicator (Rating of the EPG or Program schedule) to impaired the program signal if the rating exceeds the content specification when reference time falls within the first finite time range specification. In other words when a parent selects a rating, e.g., PG-13 or

any selected rating within a time period(s), only program contents rated PG-13 or any selected rating can be selected within the time interval(s). When a user selects a program on any channel the system compares the content rating of the program of the EPG with the pre-set rating of PG-13 within the time range(s) and displays the desired program(s) which meets the desired setting accordingly. Clearly Casement does, teach simultaneous use of both time and content locks to block program viewing and allows programs to be viewed at different time period(s) without the user input of a pass-code or password. Accordingly the rejection using Casement is deemed proper meets all the claims limitations and should be sustained.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

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